

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Michael Earl Eaton

Docket No. 7:16-CR-62-1BO

Petition for Action on Supervised Release

COMES NOW Mindy L. Threlkeld, Senior U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Michael Earl Eaton, who, upon an earlier plea of guilty to 18 U.S.C. §2250(a), Failure to Register as Required Under the Sex Offender Registration and Notification Act, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on December 8, 2016, to the custody of the Bureau of Prisons for a term of 24 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

On October 26, 2017, a memo was submitted to the court by the probation office outlying the fact that the defendant had a history of substance abuse and mental health issues along with a prior sex offense conviction. The defendant was presented with a waiver of hearing form with suggested additional conditions of supervised release which he refused to sign. It was requested that a hearing be held to address the possible modification of supervision.

Michael Earl Eaton was released from custody on December 22, 2017, at which time the term of supervised release commenced.

On January 5, 2018, a hearing was held in Raleigh before Your Honor and it was ordered that the defendant obtain a mental health assessment, a substance abuse assessment, a sex offender assessment, and a condition ordering the defendant to abstain from alcohol.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant has obtained the court ordered assessments and it was determined that the defendant could benefit from treatment to include mental health, substance abuse, and sex offender specific treatment, to include polygraph testing. The treatment provider further recommended computer monitoring conditions as well as several other conditions to ensure the defendant is successful while on supervised release.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. To ensure compliance with supervision, the defendant shall submit to unannounced searches of any computer or computer equipment (including mobile phones, tablets, and data storage devices) which may include the use of computer monitoring technology, computer search or analysis software, and copying of all data from the device and external peripherals. Such examination may require the removal of devices from the defendant's possession for the purpose of conducting a thorough inspection.
2. At the direction of the U.S. Probation Officer, the defendant shall consent to the installation of systems or software that will allow the probation officer or designee to monitor computer use on any computer that the defendant owns or is authorized to use. The defendant shall pay the costs of this monitoring.

3. The defendant shall not use, possess, or control any computer-based counter forensic tools. The defendant shall not use or have installed any programs specifically and solely designed to encrypt data, files, folders, or volumes of any media. The defendant shall, upon request, immediately provide the U.S. Probation Officer with any and all passwords required to access data compressed or encrypted for storage by any software.
4. The defendant shall not possess any legal or illegal pornographic material, including any materials depicting and/or describing "child pornography" and/or "simulated" child pornography as defined in 18 U.S.C. § 2256, nor shall the defendant enter any location where such materials can be accessed, obtained, or viewed, including pictures, photographs, books, writings, drawings, videos, or video games.
5. The defendant shall not have any social networking accounts without the approval of the U.S. Probation Officer.
6. At the direction of the U.S. Probation Officer, the defendant shall submit to physiological testing, which may include, but is not limited to, polygraph examinations or other tests to monitor the defendant's compliance with probation or supervised release and treatment conditions.
7. The defendant shall participate in a sex offender treatment program as directed by the U.S. Probation Officer, and the defendant shall comply with and abide by all the rules, requirements, and conditions of the treatment program until discharged. The defendant shall take medication as prescribed by the treatment provider.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

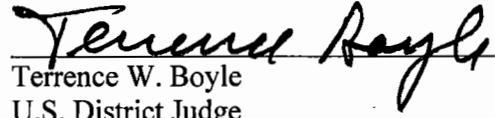
/s/ Eddie J. Smith
Eddie J. Smith
Supervising U.S. Probation Officer

/s/ Mindy L. Threlkeld
Mindy L. Threlkeld
Senior U.S. Probation Officer
150 Rowan Street Suite 110
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Executed On: March 26, 2018

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ORDER OF THE COURT

Considered and ordered this 27 day of March, 2018, and ordered filed and made a part of the records in the above case.


Terrence W. Boyle
U.S. District Judge